

REMARKS

Reconsideration and further examination of the above-identified application are respectfully requested in view of the amendment, and the discussion that follows. Claim 1-20 are pending in this application. Claims 4, 5, 8, 10, 14, 15, 18 and 20 have been rejected under 35 U.S.C. §112, second paragraph as being indefinite, and claim 20 has been objected to because of informalities. Claims 1-20 have been provisionally rejected for doubling patenting, and Claims 1, 3, 4, 6-8, 11, 13, 14, 16-18 and 20 have been rejected under 35 U.S.C. §102(b) as being anticipated by Federov (U.S. Pat. No. 6,047,060). Claims 2, 5, 9, 10, 12, 15 and 19 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Federov in view of Shaffer (U.S. Pat. No. 6,363,145). Claims 1, 4, 5, 8, 10, 11, 14, 15, 18 and 20 have been amended and a terminal disclaimer has been submitted herewith. After a careful review of the claims and references, it is believed that the claims are in allowable form and a Notice of Allowance is respectfully requested.

The Examiner has objected to claim 20 for informalities in lines 4, 5 and 6. These informalities have been corrected by amendments to claim 20..

Claims 4, 5, 10, 14 and 15 have been rejected because of indefiniteness for lack of antecedent for the "background", "foreground", and "contents". Claims 4, 5, 10, 14 and 15 have been amended to correct antecedent for "background", "foreground", and "contents." Claims 8, 18 and 20 were rejected for indefiniteness of the term "substantial." Claims 8, 18 and 20 have been amended to clarify the claimed feature. Thus, all the claims, as amended, are believed to comply with 35 U.S.C. §112.

Claims 1-20 were provisionally rejected for nonstatutory obviousness-type double patenting. A terminal disclaimer has been submitted herewith which the examiner indicated would overcome this rejection.

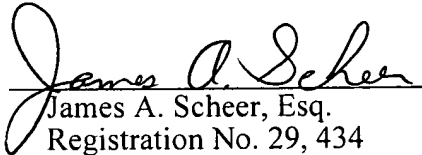
Claims 1, 3, 4, 6-8, 11, 13 14, 16-18 and 20 were rejected as being anticipated by Federov. Federov concerns a system and method for supervisor monitoring of telephone conversations to and from a call center. Federov does not describe monitoring a data session nor automatic monitoring to engage a supervisor as a function of the monitoring.

Independent Claims 1, 11, and 20, as amended, call for automatically monitoring a data session. The call monitoring described in Col. 5 of Federov is manual monitoring of telephone conversations (i.e., "a supervisor at one station may monitor telephone conversations at another

station"; -Abstract, lines 7-8) but is not automatic monitoring nor does Federov concern data sessions (e.g. made up of text messages, data messages, e-mail, etc. (see para. 30). Federov does not teach automatic monitoring in which the supervisor is engaged into the data session. The claimed automatic monitoring allows the supervisor to view an ongoing data session (see page 13, lines 1-3) after the automatic monitoring has resulted in engaging the supervisor. Thus, Federov does not teach automatic monitoring, does not concern data sessions and does not teach engaging the third parties (e.g. supervisor) as a function of the monitoring. In Federov, the supervisor merely performs the "monitoring" of a conversation himself without being engaged as a function of automatic monitoring. Col. 7, lines 47-59 of Federov, cited by the Examiner, merely describes is manual monitoring of the agent's conversation. Accordingly, independent claims 1, 11, and 20 are believed to be distinguishable over Federov. Further, the other cited reference does not teach automatically monitoring a data session or engaging as a function of the monitoring, and therefore, independent Claims 1, 11, and 20 are believed to be neither anticipated nor rendered obvious by any of the cited references. In addition claims 2-10, and 12-19 are dependent upon now allowable Claims 1, 11, and 20, and therefore are also believed to be in allowable form. Further, claim 3 has been amended to claim pre-review of message (see para. 30), and claim 13 has been amended to claim automatic detection of customer desire for a supervisor (see para. 31) which is also not taught by any of the references. Thus, these claims are further distinguishable for these additional reasons.

As discussed above, claims 1-20 are now in allowable form and are not anticipated or rendered obvious by any combination of the cited references. Therefore, allowance of claims 1-20 is believed to be in order and such action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

Respectfully submitted,

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Dated: August 21, 2006
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